

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COLTEN LEE SHAMBO,

Defendant.

CR 18-54-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Colten Lee Shambo (Shambo) has been accused of violating the conditions of his supervised release. Shambo admitted all of the alleged violations. Shambo's supervised release should be revoked. Shambo should be placed in custody until 9:00 a.m. on January 31, 2023, with 20 months of supervised release to follow. Shambo's probation officer should transport Shambo to the Great Falls Pre-Release Center when Shambo completes his term of custody. Shambo should serve the first 180 days of his supervised release in the Great Falls Pre-Release Center.

II. Status

Shambo pleaded guilty to Domestic Abuse by an Habitual Offender on

September 4, 2018. (Doc. 22). The Court sentenced Shambo to 33 months of custody, followed by 2 years of supervised release. (Doc. 35). Shambo's current term of supervised release began on February 23, 2022. (Doc. 54 at 1).

Petition

The United States Probation Office filed a Petition on December 15, 2022, requesting that the Court revoke Shambo's supervised release. (Doc. 54). The Petition alleged that Shambo had violated the conditions of his supervised release: 1) by possessing methamphetamine; and 2) by using methamphetamine on two separate occasions.

Initial appearance

Shambo appeared before the undersigned for his initial appearance on January 10, 2023. Shambo was represented by counsel. Shambo stated that he had read the petition and that he understood the allegations. Shambo waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on January 10, 2023. Shambo admitted that he had violated the conditions of his supervised release: 1) by possessing methamphetamine; and 2) by using methamphetamine on two separate

occasions. The violations are serious and warrant revocation of Shambo's supervised release.

Shambo's violations are Grade C violations. Shambo's criminal history category is II. Shambo's underlying offense is a Class C felony. Shambo could be incarcerated for up to 24 months. Shambo could be ordered to remain on supervised release for up to 21 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

Shambo's supervised release should be revoked. Shambo should be incarcerated until 9:00 a.m. on January 31, 2023, with 20 months of supervised release to follow. Shambo's probation officer should transport Shambo to the Great Falls Pre-Release Center when Shambo completes his term of custody. Shambo should serve the first 180 days of his supervised release in the Great Falls Pre-Release Center. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Shambo that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Shambo of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Shambo that Judge

Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

Shambo stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Colten Lee Shambo violated the conditions of his supervised release: by possessing methamphetamine; and by using methamphetamine on two separate occasions.

The Court **RECOMMENDS:**

That the District Court revoke Shambo's supervised release and commit Shambo to the custody of the United States Bureau of Prisons until 9:00 a.m. on January 31, 2023, with 20 months of supervised release to follow. Shambo's probation officer should transport Shambo to the Great Falls Pre-Release Center when Shambo completes his term of custody. Shambo should serve the first 180 days of his supervised release in the Great Falls Pre-Release Center.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and

Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 11th day of January, 2023.



John Johnston
United States Magistrate Judge